

REMARKS

Reconsideration of the objection and the rejections set forth in the Office Action dated October 27, 2005, is respectfully requested. The Examiner rejected claims 14-33. Applicant has amended claims 14, 15, 21-24, and 26-32. Accordingly, claims 14-33 remain pending in the application. No new matter has been added by these amendments as can be confirmed by the Examiner.

A. The Amendments to the Pending Claims Are Not Made for Substantial Reasons Related to Patentability

In reviewing the pending claims in light of the Office Action, Applicant noted minor typographical errors in the claims and has made appropriate corrections. The claim amendments were made merely to correct the typographical errors and to more clearly recite the claimed subject matter. References to a user computer or user computer system, for example, have been amended to recite a computer system for the overall consistency within the claim set. Likewise, recitations to dynamic generation of the computer identification code have been clarified to more clearly set forth that the computer identification code is dynamically generated when said data interface is provided to the computer system. The claim amendments therefore have not been made for substantial reasons related to patentability.

B. The Cited Prior Art References Do Not Disclose or Suggest an Interface Provider Computer System that Dynamically Generates a Unique Computer Identification Code for the Requesting Computer System as Recited in Claims 14-33.

In the Office Action, the Examiner rejected claims 14-21 and 23-33 under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Angles et al., United States Patent No. 5,933,811, in view of Gerace, United States Patent No. 5,848,396, in further view of Messer et al., United States Application Publication No. 2004/0230491. The Examiner likewise rejected claims 21, 22, and 29 under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Angles et al., in view of Gerace, in further view of Messer et

al., in still further view of Herz et al., United States Application Publication No. 2001/0014868. Applicant respectfully submits, however that, by failing to disclose each and every element of the independent claims 14, 26, and 27, as amended, neither Angles et al., Gerace, nor Messer et al. anticipates nor renders obvious amended claims 14-33. Therefore, it is submitted that claims 14-33 are in condition for allowance.

For example, in contrast to the system and method recited in amended claims 14-33, Angles et al. does not disclose or suggest the use of an interface provider computer system that dynamically generates a unique computer identification code associated with a requesting computer system when the data interface is provided to the computer system. Instead, Angles et al. teaches **an advertisement provider that assigns static member codes when consumers first register with the advertisement provider**. (See Angles et al. at col. 3, lines 17-29.) The advertisement provider then maintains the static member code and uses the static member code to access the member's profile and to select appropriate customized advertisements. (See id. at col. 8, lines 8-16.) **The static member code of Angles et al. therefore is generated well before any customized advertisements are provided to the member** and remains unchanged as the customized advertisements are provided to the member.

Similarly, **Gerace discloses a server system in which a unique user identification code is generated when a new user initially logs into the server system**. (See Gerace at col. 4, lines 66-67.) The user identification code is included in a cookie, which is then transmitted to the user's computer for local storage and future use to identify the user. (See id. at col. 13, lines 37-39, 61-67; col. 14, lines 1-4.) Each time that the user logs onto the server system of Gerace, the cookie, including **the user identification code, is transmitted from the user's computer to the server system**.

(See id. at col. 6, lines 46-57.) The server system records the user identification code and thereafter tracks of the user's viewing activity, which activity is stored by the server system. (See id. at col. 5, lines 1-3; col. 6, line 58 – col. 7, line 22.)

Therefore, like the static member code disclosed by Angles et al., **the user identification code disclosed by Gerace is generated prior to providing the user with any viewing content from the server system** and does not change. Further, while disclosing that the user's viewing activity is stored by the server system, Gerace does not teach that the user identification code is ever updated after being initially stored on the user's computer. **The user identification code is statically stored on the user's computer** and remains unchanged as viewing content is subsequently provided to the user. Thus, Gerace, like Angles et al., does not disclose or suggest dynamically generating a unique computer identification code when the data interface is provided to the computer system as recited in claims 14-33.

Applicant submits that the Examiner's reliance on Messer et al. likewise is misplaced. Messer et al. likewise does not disclose or suggest dynamically generating a unique computer identification code associated with a requesting computer system when the data interface is provided to the computer system as recited in claims 14-33. Since the filing date of the present application precedes both the filing date and publication date of Messer et al., Applicant assumes, without acquiescing, that the Examiner intended to assert Messer et al. as prior art under 35 U.S.C. § 102(e).

Messer et al. discloses a system by which an affiliate of a merchant allocates a banner advertisement block 135 on a web page for presenting advertising material, such as a banner ad, for presentation via a user workstation 160. (See Messer et al. at [0024].) The banner ad is linked to a clearinghouse server 130 and then to the merchant server 140. (See id. at [0025].) **Only after being accessed by the user workstation 160 and during the linking process is an identifier string appended to**

the user's HTTP entry and/or a cookie stored on the user workstation 160. (See id.) Therefore, the system of Messer et al. generates the identifier string and/or cookie only after the banner ad has been presented to, and accessed by, the user workstation 160.

Applicant therefore submits that neither Angles et al., Gerace, nor Messer et al. discloses or suggests the dynamic generation of a unique computer identification code when the data interface is provided to the computer system.

At least one recited element of amended claims 14, 26, and 27 therefore is totally missing from the cited prior art references. In accordance with M.P.E.P. § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). The disclosure of a claim element in a prior art reference, when relied upon to negate patentability, must also be clear and unambiguous. Further, “[t]he identical invention must be shown in as complete detail as contained in the...claim.” *Richardson v. Suzuki Motor Corp.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Furthermore, and uniquely important in this case is the requirement that the elements relied on in the prior art reference must be arranged as required by the claim. See *In re Bonds*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990).

Accordingly, since each of the cited prior art references fails to disclose each and every element of independent claims 14, 26, and 27, as amended, claims 14-33 are not anticipated. Applicant therefore submits that claims 14-33 are in condition for allowance.

C. No Motivation Exists to Modify the Teachings of the Cited Prior Art References in a Manner that Precludes Patentability of Claims 14-33 Under 35 U.S.C. § 103.

In accordance with M.P.E.P. § 2142, the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. "To establish a *prima facie* case of obviousness, three basic criteria must be met." (M.P.E.P. § 2143.) First, some suggestion or motivation in the prior art references or in the knowledge of one of ordinary skill in the relevant art must exist to modify or combine the references. Second, if the references are combined, a reasonable expectation of success must be shown. Then, finally, all of the claim limitations must be taught or suggested by one reference or a combination of references. To establish a *prima facie* case of obviousness based on a single reference that does not teach all the elements of a claim, the Examiner must provide a rationale for modifying the teachings of the reference. See *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000), *citing*, *B.F. Goodrich Co. v. Aircraft Breaking Sys. Corp.*, 72 F.3d 1577, 1582, 37 U.S.P.Q.2d 1314, 1318 (Fed. Cir. 1996).

As discussed above, at least one recited element of claims 14-33 is totally missing from Angles et al., Gerace, and Messer et al. Further, the Examiner does not assert that any teaching or motivation exists in the prior art to modify any of these reference, individually or in combination, such that claims 14-33 are rendered obvious. The Examiner therefore has not established a *prima facie* case under 35 U.S.C. § 103 because, as shown above, all of the elements of the pending claims are not found in the cited reference.

In fact, each reference **"teaches away"** from the dynamic generation of a **unique computer identification code when the data interface is provided to the computer system as recited in claims 14-33**. As set forth in more detail above, Angles et al. and Gerace respectively disclose a static member code and user identification code that are **generated prior to providing the user with any viewing**

content and that remains unchanged as viewing content is subsequently provided to the user. Messer et al., in contrast, teaches the generation of an identifier string and/or cookie **only after a banner ad has been presented to, and accessed by, a user workstation 160.**

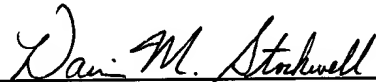
According, it is submitted that none of the cited prior art references, either individually or in combination, render claims 14-33 obvious. Applicant therefore asserts that claims 14-33 are in condition for allowance.

For at least the reasons set forth above, it is submitted that claims 14-33 are in condition for allowance. A Notice of Allowance is earnestly solicited. The Examiner is encouraged to contact the undersigned at (949) 567-6700 if there is any way to expedite the prosecution of the present application.

Respectfully submitted,

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